



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,090	05/31/2000	E. Michael Lunsford	25216-808	6893

29989 7590 02/11/2004

HICKMAN PALERMO TRUONG & BECKER, LLP
1600 WILLOW STREET
SAN JOSE, CA 95125

EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 02/11/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,090

Applicant(s)

LUNSFORD ET AL.

Examiner

DAVID Y. ENG

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 36-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 36-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2155

Claims 34-35 have been cancelled. The active claims are 1-33 and 36-49.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Scope of the claims is not clear. The terminologies used in the claims are so broad that it is not clear how exactly data of the two computers or other computers are synchronized. Applicants are requested to correspond the terminologies used in the claims with the ones used in the specification, for examples, first index, second index, first group of information items, second group of information items, first entity, second entity, first information items, etc. Applicants are further requested to identify each of the steps recited in independent claim 1 in the drawings and the corresponding description in the specification.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-11, 13-33 and 36-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins (IDS USP 6,000,000).

Claims 12 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins (IDS USP 6,000,000) in view of Chase (5,975,238).

Details of the rejections have already been set forth in the last Office action. The details are incorporated herein by reference thereto. Claim 1 is newly recited that the method can be used to synchronized data with not just a second computer but with other computers also. The method taught by Hawkins is not just for two unique

Art Unit: 2155

computers. The same method of Hawkins can be used to synchronize data between any two other computers, for examples, A with B, A with C or C with B, etc. The data can be of any groups such as appointments, calendar and address book, etc.

Claim 1

In the communication filed on January 12, 2004, Applicants contend that the method recited in claim 1 allow different groups of the data to be kept synchronized with different bodies of data on different computers and it also allows the same information item to belong to multiple different groups of information items that are synchronized with data on different computers. A careful analysis of claim 1 shows the steps used to synchronize data between the first computer and the second computer are no different from the steps between other computers. They are just repetitive steps. As explained in the rejection above, the Steps of Hawkins can be used to synchronize data between other computers. The claims broadly recite selecting, signaling, identifying target group and synchronizing steps. Those steps are inherent (essential steps) in data synchronizing. No inventive concept is seen with respect to Hawkins.

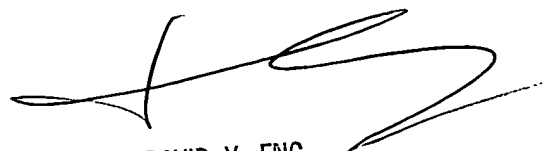
Claim 22

Data synchronization means that data of the same kind or group are properly merged. For example addresses of individuals are merged in address book and appointments are merged in calendar or appointment book and fax number of an individual is merged with his office or home telephone record. Hawkins is capable of merging files of different applications. The merging is started with identifying the right file.

Art Unit: 2155

Claim 36

Claim 36 is not more detail than claims 22 or 1.



DAVID Y. ENG
PRIMARY EXAMINER